

Appl. No.: 10/798,473
Docket No. 9550
Amdt. dated September 2, 2011
Reply to Office Action mailed on June 7, 2011
Customer No. 27752

REMARKS

Claim Status

Claims 1-26 are pending in the present application.

Claims 1-7 and 20-26 have been withdrawn as a result of an earlier restriction requirement.

Claim 8 has been amended to include the limitation as previously presented Claim 16.

Claim 9 is cancelled without prejudice.

Claim 10 is amended to correct antecedent basis in light of the cancellation of Claim 9.

Claim 11 is amended to address form issues only with no change in scope.

Claim 16 is cancelled without prejudice.

Claim 27 is new. Support may be found a page 35, line 35.

Claim 28 is new. Support may be found on page 38, line 15 and Fig. 1d.

Claim 29 is new. Support may be found on page 38, lines 10-26 and Fig. 1d.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102(b)

Claims 8-11 and 13-19 have been rejected under 35 USC §103(a) as being anticipated by U.S. Patent No. 5,856,653 to Boudreaux ("Boudreaux"). Claim 8 has been amended to include the subject matter of Claim 16. The Office states the Claim 16 is anticipated by Boudreaux. However, the Office has not identified and Applicant can find no teaching directed to (i) a temperature sensor in communication with a heat sink or (ii)

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a monitor in communication with the temperature sensor. As a result, Boudreaux does not anticipate the claimed invention.

Furthermore, the Office has not identified and Applicant can find no teaching directed to:

- An indicator presented in Claims 10 and 11
- A heating system that maintains a target temperature for a predetermined period as in Claim 15.
- An element selected from the group consisting of sensors, switches and combinations thereof located in said walls of said cavity, said elements being capable of communication with one or more protrusions or contacts points on a surface of said sachet as in Claim 19.

As a result, Boudreaux does not anticipate the invention as presented in these claims.

Rejection Under 35 USC §103(a)

Claims 8 and 12 have been rejected under 35 USC §103(a) as being unpatentable over Boudreaux in view of US 4,733,054 to Paul ("Paul"). The Office states that Boudreaux does not teach a switch that automatically activates when an object is placed on it. The Office relies on common knowledge as evidenced by Paul in support of the conclusion that one having ordinary skill in the art would desire a sensor of Paul in the device of Boudreaux.

Paul does not address the missing teachings of Boudreaux as presented above in relation to Claim 8. Therefore, the combination of Boudreaux and Paul fail to teach each and every claim limitation of Claim 12, which is dependent from and incorporates the limitations of Claim 8.

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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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